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Attorneys for Defendants
UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF
MICHELLE YANG IN SUPPORT OF
DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
THEIR OPPOSITION TO WAYMO'S
MOTION FOR CONTINUANCE OF
TRIAL DATE**

I, Michelle Yang, declare as follows:

1. I am an attorney at the law firm of Morrison & Foerster LLP. I make this declaration based upon matters within my own personal knowledge and if called as a witness, I could and would competently testify to the matters set forth herein. I make this declaration in support of Defendants' Administrative Motion to File Under Seal Their Opposition to Waymo's Motion for Continuance of Trial Date.

2. I have reviewed the following documents and confirmed that only the portions identified below merit sealing:

Document	Portions to Be Filed Under Seal	Designating Party
Opposition to Waymo's Motion for Continuance of Trial Date ("Opposition")	Highlighted Portions	Defendants (Blue) Plaintiff (Green) Anthony Levandowski (Yellow)
Declaration of Arturo J. Gonzalez	Highlighted Portions	Anthony Levandowski (Yellow)
Exhibit 1	Highlighted Portions	Defendants (Blue)
Exhibit 2	Entirety	Defendants Anthony Levandowski
Exhibits 3-7	Entireties	Anthony Levandowski
Exhibits 10-14, 16	Entireties	Plaintiff
Exhibit 15	Highlighted Portions	Plaintiff (Green)

3. The blue-highlighted portions of the Opposition contain highly confidential information regarding technical details of and development plans for Uber's LiDAR systems. This highly confidential information is not publicly known, and its confidentiality is strictly maintained. I understand that disclosure of this information could allow competitors to obtain a competitive advantage over Uber by giving them details into the technical components and

1 development plans of Uber's LiDAR sensors, such that Uber's competitive standing could be
2 significantly harmed.

3 4. The blue-highlighted portions of Exhibit 1 contain the same sealable portions the
4 Court granted at Dkt. 653, which Defendants had filed at Dkt. 600-2, and contain the financial
5 and timing terms for the Indemnification Agreement. This is highly confidential business
6 information relating to the terms of Uber's agreements that is not publicly known, and this
7 information's confidentiality is strictly maintained. I understand that this information could be
8 used by competitors to Uber's detriment, including in the context of negotiating business deals. If
9 this information were disclosed, for example, competitors could obtain a competitive advantage
10 by offering better terms than Uber, such that Uber's competitive standing would be harmed.
11 Some of the other marked portions contain personal addresses, telephone numbers, and email
12 addresses of Anthony Levandowski and Lior Ron. This case has been the subject of much public
13 and media interest, and disclosure of this personal information could harm the privacy interests of
14 these individuals and their families. For example, if these personal addresses and contact
15 information were disclosed publicly, Messrs. Levandowski and Ron and their families could be
16 exposed to harm or harassment.

17 5. The entirety of Exhibit 2 contains highly confidential information regarding a
18 business agreement of Uber's, including detailed terms and conditions. This information is not
19 publicly known, and its confidentiality is strictly maintained. I understand that this information
20 could be used by competitors to Uber's detriment, including in the context of negotiating business
21 deals. If this information were disclosed, competitors could gain insight into how Uber structures
22 its business agreements, such that Uber's competitive standing would be harmed.

23 6. The yellow-highlighted portions of the Opposition and Declaration of Arturo J.
24 González, as well as the entireties of Exhibits 2-7, contain information designated confidential by
25 counsel for non-party Anthony Levandowski. Defendants expect this non-party to file supporting
26 declarations as needed.

27 7. The green-highlighted portions of the Opposition and Exhibit 15, as well as the
28 entireties of Exhibits 10-14 and 16-17, contain information that has been designated "Highly

1 Confidential – Attorneys’ Eyes Only” by Waymo in accordance with the Patent Local Rule 2-2
2 Interim Model Protective Order (“Protective Order”), which the parties have agreed governs this
3 case (Transcript of 3/16/2017 Hearing, page 6). Defendants file this material under seal in
4 accordance with Paragraph 14.4 of the Protective Order.

5 8. Defendants’ request to seal is narrowly tailored to the portions of the Opposition
6 and its supporting papers that merit sealing.

7 I declare under penalty of perjury that the foregoing is true and correct. Executed this 18th
8 day of September, 2017 at San Francisco, California.

9
10 /s/ Michelle Yang

Michelle Yang

11
12
13 **ATTESTATION OF E-FILED SIGNATURE**

14 I, Arturo J. González am the ECF User whose ID and password are being used to file this
15 Declaration. In compliance with General Order 45, X.B., I hereby attest that Michelle Yang has
16 concurred in this filing.

17 Dated: September 18, 2017

/s/ Arturo J. González

ARTURO J. GONZÁLEZ